



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

DEC 05 1998


The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuattro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
LEGISLATIVE SECRETARIAT RECEIPT	
DATE:	<u>12.07-98</u>
TIME:	<u>3:15 pm</u>
RECEIVED BY:	<u>[Signature]</u>
PRINT NAME:	

Dear Speaker Unpingco:

Enclosed please find Bill No. 229 (COR), "AN ACT TO AMEND SELECT SECTIONS WITHIN CHAPTERS 63, 65 AND 67 OF DIVISION 3, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO RE-ORGANIZING THE DEPARTMENT OF MILITARY AFFAIRS BY ADDING TO THAT ORGANIZATION THE OFFICE OF CIVIL DEFENSE AND THE OFFICE OF VETERANS AFFAIRS", which was vetoed and subsequently overridden by I Liheslatura on December 3, 1998. This legislation is now designated as **Public Law No. 24-298.**

Very truly yours,


Carl T. C. Gutierrez
I Maga'lahaen Guåhan
Governor of Guam

Attachment: copy attached for signed or overridden bill
 original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

01103

Office of the Speaker
ANTONIO R. UNPINGCO
Date: _____
Time: _____
Rec'd by: _____
Print Name: _____


MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

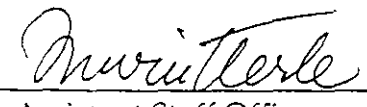
This is to certify that Bill No. 229 (COR), "AN ACT TO AMEND SELECT SECTIONS WITHIN CHAPTERS 63, 65 AND 67 OF DIVISION 3, PART 2 OF TITLE 10 OF THE GUAM CODE ANNOTATED, RELATIVE TO RE-ORGANIZING THE DEPARTMENT OF MILITARY AFFAIRS BY ADDING TO THAT ORGANIZATION THE OFFICE OF CIVIL DEFENSE AND THE OFFICE OF VETERANS AFFAIRS," returned without approval of *I Maga'lahaen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 3rd day of December, 1998, to pass said bill notwithstanding the veto of *I Maga'lahaen Guahan* by a vote of sixteen (16) members.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 4th day of December,
1998, at 4:05 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

MINA'BENTE KUATTRO NA LIHESLATURAN GUÅHAN
1997 (FIRST) Regular Session

Bill No. 229 (COR)

As amended on the Floor.

Introduced by:

T. C. Ada
V. C. Pangelinan
L. A. Leon Guerrero
J. Won Pat-Borja
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco

AN ACT TO AMEND SELECT SECTIONS WITHIN
CHAPTERS 63, 65 AND 67 OF DIVISION 3, PART 2
OF TITLE 10 OF THE GUAM CODE ANNOTATED,
RELATIVE TO RE-ORGANIZING THE
DEPARTMENT OF MILITARY AFFAIRS BY
ADDING TO THAT ORGANIZATION THE
OFFICE OF CIVIL DEFENSE AND THE OFFICE OF
VETERANS AFFAIRS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings.** (a) Pursuant to Public Law
2 Number 16-18 (Chapter 63 of 10 GCA), the Department of Military Affairs
3 (Guam National Guard) was created. In time of war, insurrection, rebellion,
4 riot or imminent danger thereof, or in time of any state emergency, *I*
5 *Maga'lahaen Guahan*, in his capacity as Commander-in-Chief, may order the
6 Guam National Guard into active military service on Guam, except when the
7 Guard is on Federal active duty.

8 (b) Pursuant to Public Law Number 1-88 (Chapter 65 of 10 GCA), the
9 Office of Civil Defense was created in order to insure that preparations of
10 Guam will be adequate and coordinated to deal with such emergencies
11 arising from the occurrence of disasters of unprecedented size and
12 destructiveness resulting from enemy attack, sabotage or other hostile action,
13 as well as from emergencies resulting from natural disasters.

14 (c) Pursuant to Public Law Number 10-123 (Chapter 67 of 10 GCA),
15 the Office of Veterans Affairs was created for the purpose of administering all
16 local laws pertaining to local Veterans of the U.S. Armed Forces, and is the
17 agency of the government of Guam charged with the responsibility of
18 cooperating with the U.S. Veterans Office. The Office has the potential of
19 providing the data base of military occupational specialties of local veterans
20 which, if needed, could be identified to provide the manpower needed to
21 reinforce the efforts of government of Guam agencies responding to
22 emergencies caused by natural or manmade disasters.

1 (d) The commonality which exists between the Department of
2 Military Affairs and the Office of Civil Defense is their purpose in planning
3 for the response to emergencies resulting from natural or manmade disasters.
4 The Office of Veterans Affairs also shares a commonality with the two (2)
5 agencies through the clientele which it serves. Creating a direct
6 organizational linkage between the Guam National Guard, the Office of Civil
7 Defense and the Office of Veterans Affairs will contribute to the streamlining
8 of government of Guam's emergency response capability.

9 **Section 2. Legislative Intent.** It is the intent of *I Liheslaturan Guahan*
10 to reorganize the Department of Military Affairs by adding to its
11 organizational structure the Office of Civil Defense and the Office of Veterans
12 Affairs. The new entities shall come under the direct administrative control of
13 the Adjutant General.

14 **Section 3.** Section 63100 of Title 10 of the Guam Code Annotated is
15 hereby *amended* to read as follows:

16 "Section 63100. **Department of Military Affairs.** There is within
17 the government of Guam the Department of Military Affairs. The
18 administrative and executive head of the Department shall be the
19 Adjutant General. The government of Guam shall provide adequate
20 office space for the Department of Military Affairs.

21 All civilian non-uniformed positions in the Department of Military
22 Affairs with the exception of the Executive Secretary and the Executive
23 Services Coordinator, shall be in the classified service of the government
24 of Guam."

1 Section 4. Section 63102 of Title 10 of the Guam Code Annotated is
2 hereby *amended* to read as follows:

3 “Section 63102. Management of the Guam National Guard, the
4 Office of Civil Defense and the Office of Veterans Affairs. The
5 Department of Military Affairs shall be responsible for the management
6 of all elements of the Guam National Guard not in active service of the
7 United States, the Office of Civil Defense, and the Office of Veterans
8 Affairs.”

9 Section 5. Section 63201 of Title 10 of the Guam Code Annotated is
10 hereby *amended* to read as follows:

11 “Section 63201. The Adjutant General. The Adjutant
12 General shall be appointed by *I Maga’lahen Guahan*, subject to the advice
13 and consent of the *I Liheslaturan Guahan*, and shall have such rank and
14 qualifications as *I Maga’lahen Guahan* may prescribe, and he shall:

15 (a) be capable of being Federally recognized in accordance
16 with Federal law, and Army and Air Force regulations, as
17 appropriate, in the grade of at least Colonel;

18 (b) be promoted to the Guam Army or Air National
19 Guard, as appropriate, at the discretion of the Commander-in-
20 Chief, to a grade not to exceed Major General;

21 (c) serve until such time as his replacement is appointed
22 by *I Maga’lahen Guahan* or until he resigns (*I Maga’lahen Guahan*
23 may relieve the Adjutant General for malfeasance, misfeasance or
24 his inability to continue Federally recognized status.);

1 (d) issue and promulgate regulations in furtherance of the
2 provisions of this Title (The regulations shall take effect by
3 Executive Order of *I Maga'lahaen Guahan*. The provisions of the
4 Administrative Adjudication Law shall *not* apply to the issuance
5 and promulgation of regulations of the Department of Military
6 Affairs.);

7 (e) be the senior commander, under the Commander-in-
8 Chief of the Guam National Guard, and be responsible for the
9 training of all members and units of the Guam National Guard for
10 both Federal and Guam missions;

11 (f) be the paymaster general and be charged with all
12 disbursements of pay and allowances for the service of the troops
13 when in the service of Guam;

14 (g) give his entire time to the management of the
15 Department of Military Affairs;

16 (h) have such military and civilian assistants and clerks as
17 may be required to properly conduct the operation of his
18 department;

19 (i) issue and transmit and keep a record of all orders and
20 regulations of the Commander-in-Chief and the Department of
21 Military Affairs pertaining to the Guam National Guard;

22 (j) keep a record of all appointments, commissions and
23 warrants of officers and appointments of non-commissioned

1 officers and shall have general charge of recruiting and records of
2 enlistments and discharges;

3 (k) keep the military history of the Guam National Guard
4 and personnel records of each individual member thereof;

5 (l) have charge of all correspondence and records
6 pertaining to the Department of Military Affairs, and file for
7 record all reports and records of all active service performed by
8 members of the Guam National Guard in the service of Guam or
9 of the United States; and

10 (m) direct and have charge of all purchase of military
11 supplies and stores, subject to the purchasing procedure of the
12 government of Guam.”

13 **Section 6.** Section 63204 of Title 10 of the Guam Code Annotated is
14 hereby *amended* to read as follows:

15 “**Section 63204. Headquarters Staff.** The headquarters staff of
16 the Department of Military Affairs shall consist of the Adjutant General,
17 the Assistant Adjutants General for Army and Air, the Administrator of
18 the Office of Civil Defense, and the Administrator of the Office of
19 Veterans Affairs, and such other offices as the Adjutant General, with
20 the approval of *I Maga’lahen Guahan*, shall establish.”

21 **Section 7.** Section 65101 of Title 10 of the Guam Code Annotated is
22 hereby *amended* to read as follows:

23 “**Section 65101. Purpose.** Because of the existing possibility of
24 the occurrence of disasters or emergencies resulting from enemy attack,

1 sabotage or other hostile action, as well as from the vicissitudes of
2 nature, and in order to insure that preparations of Guam will be
3 adequate to deal with such disasters or emergencies, and generally to
4 provide for the common defense and to protect the public peace, health
5 and safety and to preserve the lives and property of the people of
6 Guam, it is hereby found and declared to be necessary:

7 (1) to create within the Department of Military Affairs an
8 Office of Civil Defense for Guam;

9 (2) to confer upon *I Maga'lahaen Guahan* and at his
10 discretion to delegate to other officials of Guam the emergency
11 powers provided herein;

12 (3) to provide for the rendering of mutual aid with other
13 territories and the states, and to cooperate with the Federal
14 government with respect to the carrying out of civil defense
15 functions; and

16 (4) to authorize the establishment of such organizations
17 and the taking of such steps as are necessary and appropriate to
18 carry out the provisions of this Chapter.

19 It is further declared to be the purpose of this Chapter and the
20 policy of Guam that all civil defense functions of Guam be coordinated
21 to the maximum extent with the comparable functions of the Federal
22 government, including its various departments and agencies and of
23 private agencies of every type, to the end that the most effective
24 preparation and use may be made of the manpower, resources and

1 facilities of Guam and of the Nation for dealing with any disaster that
2 may occur.”

3 **Section 9.** Section 65103 of Title 10 of the Guam Code Annotated is
4 hereby *amended* to read as follows:

5 **“Section 65103. Office of Civil Defense: Creation;**
6 **Administrator; Personnel.** There is hereby created within the
7 Department of Military Affairs an Office of Civil Defense with an
8 Administrator of Civil Defense, hereinafter called the ‘Administrator,’
9 who shall be a member of the classified service and is the administrative
10 head of the Office of Civil Defense, subject to the direction and control
11 of the Adjutant General. This Section shall be effective upon the
12 establishment of the pay range by the Civil Service Commission.

13 The Administrator, with the approval of the Adjutant General,
14 may employ such technical, clerical, stenographic and other personnel
15 and may make such expenditures within the appropriation therefor, or
16 from other funds made available to him for purposes of civil defense, as
17 may be necessary to carry out the purposes of this Chapter.

18 The Administrator and other personnel of the Civil Defense
19 Agency shall be provided with appropriate office space, furniture,
20 equipment, motor vehicles, supplies, stationery and printing in the same
21 manner as are provided for personnel of other Guam agencies.

22 The Administrator, subject to the direction and control of the
23 Adjutant General, shall be the administrative head of the Office of Civil
24 Defense and shall be responsible to the Adjutant General for carrying
25 out the program for the civil defense of Guam. He shall coordinate the

1 activities of all organizations for civil defense within Guam, and shall
2 maintain liaison with and cooperate with civil defense agencies and
3 organizations and the Armed Forces of the Federal government, and
4 shall have such additional authority, duties and responsibilities as are
5 authorized by this Chapter, or as may be prescribed by the *I Maga'lahaen*
6 *Guahan*."

7 **Section 10.** Section 65104 of Title 10 of the Guam Code Annotated
8 is hereby *amended* to read as follows:

9 **"Section 65104. Civil Defense Advisory Council.** There is
10 hereby created a Civil Defense Advisory Council, hereinafter called the
11 'Council', consisting of fourteen (14) members, in addition to the
12 chairman, appointed by *I Maga'lahaen Guahan* as follows: one (1) member
13 from the Guam Police Department; one (1) member from the Guam
14 National Guard; one (1) member from the Department of Public Health
15 and Social Services; one (1) member shall be the President of the
16 Mayors' Council of Guam or his representative; one (1) member from
17 the Department of Education; one (1) member from the Department of
18 Agriculture and eight (8) public minded citizens from private business,
19 welfare organizations or civic associations on Guam. In addition to the
20 foregoing fourteen (14) members, *I Maga'lahaen Guahan* is hereby
21 authorized to request from appropriate military authorities the
22 designation of two (2) members from the Armed Forces of the United
23 States to provide liaison between the Armed Forces and the government
24 of Guam in Civil Defense activities. The Council shall advise *I*

1 *Maga'lahaen Guahan* and the Administrator on matters pertaining to civil
2 defense. *I Maga'lahaen Guahan* shall serve as Chairman of the Council,
3 and the members thereof shall serve without compensation, but may be
4 reimbursed for reasonable and necessary expenses incurred in the
5 performance of their duties as certified by the Treasurer of Guam."

6 **Section 11.** Section 65105 of Title 10 of the Guam Code Annotated
7 is hereby *amended* to read as follows:

8 **"Section 65105. The Adjutant General to Direct and Control.**

9 At the general direction of *I Maga'lahaen Guahan*, the Adjutant General
10 shall have general direction and control of the Office of Civil Defense,
11 and shall be responsible for the carrying out of the provisions of this
12 Chapter."

13 **Section 12.** Section 65106 of Title 10 of the Guam Code Annotated
14 is hereby *amended* to read as follows:

15 **"Section 65106. Same: Authority and Powers.** In
16 performance of his duties under this Chapter, the Adjutant General, at
17 the general direction of the Governor is further authorized and
18 empowered:

19 (1) to make, amend and rescind the necessary orders,
20 rules and regulations to carry out the provisions of this Chapter
21 with due consideration of the plans of the Federal government;

22 (2) to prepare a comprehensive plan and program for the
23 civil defense of Guam, such plan and program to be integrated
24 into and coordinated with the civil defense plans of the Federal

1 government and of other territories and of the states to the fullest
2 possible extent;

3 (3) in accordance with such plan and program for the civil
4 defense of Guam, to ascertain the requirements of the civilian
5 population thereof for food or clothing or other necessities of life
6 in the event of attack or disaster, and to plan for and procure
7 supplies, medicines, materials and equipment, and to use and
8 employ from time to time any of the property, services and
9 resources within Guam, for the purposes set forth in this Chapter;
10 to make surveys of the industries, resources and facilities within
11 Guam as are necessary to carry out the purposes of this Chapter;
12 to institute training programs and public information programs,
13 and to take all other preparatory steps, including the partial or full
14 mobilization of civil defense organizations and of the Guam
15 National Guard, in advance of actual disaster, to insure the
16 furnishing of adequately trained and equipped forces of defense
17 personnel in time of need;

18 (4) to cooperate with the President and the heads of the
19 Armed Forces and the Civil Defense Agency of the United States,
20 and other appropriate Federal officers and agencies, and with the
21 officers and agencies of other territories and states in matters
22 pertaining to the civil defense of Guam and the Nation and the
23 incidents thereof; and in connection therewith, to take any
24 measures which he may deem proper to carry into effect any

1 request of the President of the United States and the appropriate
2 Federal officers and agencies, for any action looking to civil
3 defense, including the direction or control of:

4 (a) black-outs and practice black-outs, air raid drills,
5 mobilization of civil defense forces and other tests and
6 exercises;

7 (b) warning and signals for drills or attacks and the
8 mechanical devices to be used in connection therewith;

9 (c) the effective screening or extinguishing of all
10 lights, lighting devices and appliances;

11 (d) shutting off water mains, gasoline or gas mains,
12 electric power connections and the suspension of all other
13 utility services;

14 (e) the conduct of civilians and the movement and
15 cessation of movement of pedestrians and vehicular traffic
16 during, prior and subsequent to drills or attack;

17 (f) public meetings or gatherings; and

18 (g) the evacuation and reception of the civilian
19 population;

20 (5) to take such action and give directions to Guam law
21 enforcement officers and agencies as may be reasonable and
22 necessary for the purpose of securing compliance with the
23 provisions of this Chapter and with the orders, rules and
24 regulations made pursuant thereto;

1 (6) to employ such measures and give such directives to
2 the Guam Department of Public Health and Social Services in
3 matters affecting the public health as may be reasonably necessary
4 for the purpose of securing compliance with the provisions of this
5 Chapter or with the findings or recommendations of such
6 department by reason of conditions arising from enemy attack or
7 the threat of enemy attack or otherwise;

8 (7) to utilize the services and facilities of existing officers
9 and agencies of Guam; and, all such officers and agencies shall
10 cooperate with and extend their services and facilities to the
11 Adjutant General as he may request;

12 (8) to establish agencies and offices and to appoint
13 executive, technical, clerical and other personnel as may be
14 necessary to carry out the provisions of this Chapter;

15 (9) to delegate any authority vested in him under this
16 Chapter and to provide for the sub-delegation of any such
17 authority; and

18 (10) on behalf of Guam to enter into reciprocal aid
19 agreements or compacts with other territories or states and the
20 Federal government or with a neighboring territory or with the
21 Trust Territory of the Pacific Islands. Such mutual aid
22 arrangements shall be limited to the furnishing or exchange of
23 food, clothing, medicine and other emergency supplies;
24 emergency housing, police services; health, medical and related

1 services; personnel necessary to provide or conduct these services;
2 and such other supplies, equipment, facilities, personnel and
3 services as may be needed to effect its policy and purpose; the
4 reimbursement of costs and expenses for equipment, supplies,
5 personnel and similar items for emergency housing, police units
6 and health units; and on such terms and conditions as are deemed
7 necessary."

8 **Section 13.** Section 67100 of Title 10 of the Guam Code Annotated
9 is hereby *amended* to read as follows:

10 **"Section 67100. Creation of Office.** There is within the
11 Department of Military Affairs an Office of Veterans Affairs. The
12 Veterans Affairs Officer who is a member of the classified service and is
13 the administrative head of the Office of Veterans Affairs subject to the
14 direction and control of the Adjutant General. This Section shall be
15 effective upon the establishment of the pay range by the Civil Service
16 Commission."

17 **Section 14. Effective Date.** This Act shall be cited as the
18 Department of Military Affairs Reorganization Act of 1997 and its provisions
19 shall take effect on January 4, 1999.